



## CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814

### Regulations Governing Upward Mobility

**All new text is indicated by underline. A double underline indicates new text that is intended to be underlined in the final printing.**

#### Title 2. ADMINISTRATION

#### Division 1. Administrative Personnel

#### Chapter 1. State Personnel Board

#### Subchapter 1.8.      Upward Mobility

#### Article 1.      Definitions.

#### § 547.82.      Definitions.

For purposes of this Subchapter:

- (a)      “Bridging Career Ladders” and “Career Ladders and Lattices” mean the succession of job classifications in which employees may normally gain experience in order to advance from positions in low-paying occupations into technical, professional, or administrative positions.
- (b)      “Bridging Classifications” mean job classifications established to provide experience for employees in low-paying occupations that meets the minimum qualifications for traditional entry technical, professional, and administrative classifications.
- (c)      “Career Development Plan” means an employee’s written plan for advancement, which identifies a career goal and the specific self-development actions, including, but not limited to, work experiences, college courses, and training classes, needed to achieve the goal.
- (d)      “Entry Technical, Professional, and Administrative Positions” mean those positions in technical, professional, and administrative classifications for which hiring is typically open to the public and into which employees in low-paying occupations may advance.

(e) “Good Faith Effort” means that the department can demonstrate by its actions that it is fully complying with all upward mobility statutes and regulations.

(f) “Low-Paying Occupations” mean the following groups of classifications identified in the California Civil Service Pay Scales (Pay Scales), 50<sup>th</sup> Edition, as published by the California Department of Personnel Administration: Horticulture; Office and Allied Services; Custodian and Domestic Services; Mechanical and Construction Trades; and bridging and career development classifications in other occupational areas.

(g) “Technical, Professional, and Administrative Classifications” mean classifications in the following occupational categories identified in the Pay Scales: Agriculture and Conservation; Education and Library; Engineering and Allied Services; Fiscal, Management and Staff Services; Legal; Medicine and Allied Services; State Emergency Disaster Program; Protective Services and Public Safety; and Social Security and Rehabilitation Services.

(h) “Upward Mobility” means the development and advancement of employees from positions in low-paying occupations to entry technical, professional, and administrative positions.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

## **Article 2. Upward Mobility Program Plans, Goals, and Related Procedures.**

### **§ 547.83. Coordinator.**

Each department shall appoint an upward mobility program coordinator to coordinate, monitor, and report on the department’s upward mobility program efforts.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

### **§ 547.84. Plan Elements.**

Each department shall develop and maintain a written upward mobility plan as specified in the State Personnel Board’s Guidelines for Administering Departmental Upward Mobility Employment Programs (Guidelines), revised July 25, 2000. This document is hereby incorporated by reference in its entirety. The plan shall include:

(a) A policy statement regarding the department’s commitment to providing equal upward mobility opportunity for its employees in low-paying occupations.

(b) A description of the components of its program consistent with Government Code Section 19401, how employees may access the program, and where information about the program may be obtained.

(c) The roles and responsibilities of the employee, the employee's supervisor, the upward mobility program coordinator, the personnel office, the training office, and the equal employment opportunity office regarding the upward mobility program.

(d) Criteria for selecting employees in low-paying occupations to participate in the upward mobility efforts described in Government Code Section 19401.

(e) The number of employees in classifications in low-paying occupations used by the department; career ladders, bridging classes, and entry technical, professional, and administrative classes targeted for upward mobility; and planned upward mobility examinations.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

**§ 547.85. Employee Selection.**

(a) Departments shall conspicuously post and otherwise publicize upward mobility development and job opportunities for a reasonable time period, but not less than five working days, to provide an equal opportunity for interested employees in low-paying occupations to apply.

(b) Departments shall select employees in low-paying occupations for participation in upward mobility activities using criteria that are as objective as possible and that can be applied in a consistent manner. Criteria shall include, but not be limited to, such factors as upward mobility objectives; staffing needs; available funds and other resources; employee status; employee performance in current position; employee motivation and potential for advancement; and the relevance of the training.

(c) No employee shall be guaranteed advancement under any departmental upward mobility program, but all interested employees in low-paying occupations shall be given equal consideration to participate in upward mobility efforts. Employees selected for upward mobility efforts shall prepare a career development plan and maintain a satisfactory level of performance on the job, in academic courses, and/or in training programs to continue in the program.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

**§ 547.86. Upward Mobility Goals.**

(a) In accordance with the Guidelines, each department shall annually establish upward mobility goals that reflect the number of expected appointments of employees in low-paying occupations to positions in entry technical, professional, and administrative classifications during the fiscal year. Goals shall be established by classification and expressed as a whole number. In establishing goals, consideration shall be given to the following:

(1) The history of upward mobility appointments over at least a three-year period.

(2) The anticipated number of appointment opportunities.

(3) The availability of qualified upward mobility candidates for appointment.

(b) Departments shall submit the following information to the Board for review and approval by July 1<sup>st</sup> of each year:

(1) Upward mobility goals for each appropriate entry technical, professional and administrative classification.

(2) An analysis of how successful the department was in meeting its goals for the previous year.

(3) A description of the department's actions that demonstrate a good faith effort to comply with the requirements of Government Code Section 19401.

(4) The number of employees participating in each of the department's upward mobility efforts specified in Government Code Section 19401.

(5) The amount and percentage of the department's annual training budget assigned for upward mobility development activities.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

**§ 547.87. Board Review and Response.**

In accordance with Government Code Section 19402, the board will annually review each department's upward mobility goals and the other information required under Section 547.86 and provide a written response either approving or requiring modification to the department's upward mobility program.

NOTE: Authority cited: Section 18701, Government Code.  
Reference: Sections 19400-19403, 19405 and 19406, Government Code.

# GUIDELINES FOR ADMINISTERING DEPARTMENTAL UPWARD MOBILITY EMPLOYMENT PROGRAMS (7/25/00)

## Authority for Department Upward Mobility Programs

Government Code Section 19401 requires each State department to have an effective upward mobility program. As used in this statute, upward mobility is the planned development and advancement of employees in low-paying occupations to entry technical, professional, and administrative positions in State departments. It is not, as is commonly thought, the promotion of employees up through the ranks, from working level positions to supervisory and managerial positions within the same occupation. Equal opportunity for this type of promotion is required under civil rights laws.

An upward mobility program is an important part of a department's overall employment program for a number of reasons: (1) It can aid in meeting a department's labor needs in jobs where recruitment is becoming increasingly competitive and difficult; (2) It can be a incentive to motivate employees in lower paying occupations to improve their qualifications and become more valuable to the department; and (3) It can assist the department's affirmative action efforts by increasing the number of qualified minorities, women, and persons with disabilities available to hire into entry technical, professional, and administrative positions.

## Employees in Low-Paying Occupations

Employees in low-paying occupations do not necessarily have the lowest salaries, but are in occupations (i.e., types of work) that have traditionally been low-paying, where there is little expectation of advancement to better paying technical, professional, and administrative jobs. Employees in these occupations must make special efforts and undergo specific training and career development preparation that is not a normal part of their work experience. For purposes of administering upward mobility programs in State service, the following occupations and classifications are considered "low-paying occupations":

<u>Low-Paying Occupational Group</u>	<u>Schematic Codes</u>
• Horticulture	BL00-BM99
• Office and Allied Services	CA00-CZ99
• Custodial and Domestic Services	DA00-DZ99
• Mechanical and Construction Trades	PA00-RZ99
• Career Development and Bridging Classes in other occupational groups, such as	
Management Services Technician	JY40
Mechanical and Technical Occupational Trainee	GA55
Services Assistant (Hospital)	TM25

**[Note:** Departments need to identify all their bridging and career development classes and provide a list of the class titles and class and schematic codes to the SPB.]

### Entry Technical, Professional, and Administrative Positions

The entry technical, professional, and administrative positions to which employees in the low-paying occupations may advance are in entry classifications assigned to the occupational groups listed below. Appointments to positions in these classes are typically made from open eligible lists.

<u>Occupational Group</u>	<u>Schematic Codes</u>
• Agriculture and Conservation	AA00-BK99 BN00-BW99
• Education and Library	EA00-FZ99
• Engineering and Allied Services	GA00-IZ99
• Fiscal Management and Staff Services	JA00-MZ99
• Legal	OA60-OZ99
• Medicine and Allied Services	SA00-TZ99
• State Emergency Disaster Program	UA00-UG99
• Protective Services and Public Safety	VA00-VZ99
• Social Security and Rehabilitation Services	WA00-XY99

### Components of an Effective Upward Mobility Program

Government Code Section 19401 requires departments to provide, ***“to the greatest extent possible”*** within their resources, the following components in their upward mobility program:

- Career counseling
- Academic counseling
- In-service and out-service training
- Training and development assignments
- On-the-job training
- Job restructuring, including the development of career ladders and lattices, and modification of requirements where barriers exist. **[Note:** This includes the establishment and use of bridging classifications.]

### Responsibilities for Upward Mobility

Upward mobility is the joint responsibility of the employee and the department. Employees must be motivated to seek out opportunities, prepare formal career development plans, and be willing to work hard to develop their knowledge, skills and abilities to become competitive for appointment to entry technical, professional, and administrative jobs. No employee participating in upward mobility efforts is guaranteed promotion. All employees, however, are entitled to have a fair and equal opportunity to be considered for advancement.

Within its available monetary and staffing resources, the department must be an active participant in upward mobility for its employees in low-paying occupations. This means developing and publishing training and job opportunities, establishing fair criteria for selecting employees to participate in upward mobility activities, and providing assistance to employees in their development efforts. To help ensure an effective upward mobility program, departments need to have an upward mobility program coordinator to plan, coordinate, monitor and report on departmental upward mobility efforts.

## Selecting Employees to Participate in Upward Mobility Activities

Government Code Section 19401 states that departments must develop criteria for selecting employees to participate in their upward mobility program. The overriding principle that must be followed is that **each interested employee must have an equal opportunity to be considered for participation in the department's upward mobility activities**. This does not mean, however, that all must be selected to participate. Departments may limit participation if done fairly. Fairness means clearly and prominently announcing upward mobility training activities and appointment opportunities to all potentially interested employees (i.e., minimum posting of announcements is five working days), having selection criteria that are as objective as possible, and applying them in a consistent manner.

Some factors that may be considered in selecting employees for participation include the following:

- staffing needs of the department (Upward mobility programs can be focused on jobs with recruitment problems. Departments are not required to train employees for jobs with very limited opportunity for advancement.);
- specific departmental upward mobility objectives, e.g., to increase participation in upward mobility activities by a certain percentage, etc.;
- funds and other resources available for training and development of staff (The size of the department's budget and staff will impact the size of an appropriate, i.e., "good faith", upward mobility effort);
- the employee's status in the department (e.g., an employee with permanent status may have priority over one without status; a full-time employee might have priority over a part-time, or intermittent employee, etc.);
- the employee's performance in his/her current position (Departments do not have to select employees that are having performance problems in their current position.);
- motivation of the employee to seek out upward mobility opportunities and to work hard to complete career development plans. Motivation may be demonstrated by past self-development efforts and current career plans and efforts to prepare for advancement that the employee has initiated;
- potential of the employee for advancement (i.e., knowledge, skills, and abilities). Potential may be measured through an assessment of how ready the employee is for advancement and how long it will require the person to become competitive for promotion through upward mobility training efforts. This might be measured in an examination for a bridging class, or screening interviews for participation in other upward mobility activities; and

- the relevance of the upward mobility activity to the employee's career goals (The department does not have to select an employee for training that is unrelated to his/her career development goal.).

## Career Development Plans

Government Code Section 19401(b) states that all employees selected by the department for special upward mobility assistance should complete a formal career development plan. The plan should outline the specific career objectives, the steps that will be taken to develop the employee's knowledge, skills and abilities, and the estimated timetable for promoting to an entry technical, professional or administrative position. The development of the plan should be a cooperative effort between the employee and his/her supervisor, a departmental trainer, or other appropriate departmental representative. The plan should be agreed to and signed by both the employee and the departmental representative. If the employee does not maintain satisfactory performance on the job, or does not maintain good standing in academic or other training activities, the department may discontinue the career development plan.

## Establishment of Numerical Upward Mobility Goals

Government Code Section 19402 requires State departments to annually develop goals and timetables which include the number of employees in low- paying occupations expected to progress to entry technical, professional, and administrative positions. Upward mobility goals, however, cannot be based on underutilization, as are goals for minorities, women, and persons with disabilities. There are no specific parity numbers upon which to base goals. Instead, departments must base goals on an analysis of the past history of appointments to entry technical, professional and administrative positions, the number of anticipated appointment opportunities to those entry classes in the coming fiscal year, and the availability of qualified upward mobility candidates eligible for appointment.

The following steps are suggested in developing goals:

- Step #1** Identify entry technical, professional, and administrative classifications used by the department that can provide an upward mobility opportunity for employees in low-paying occupations (i.e., classes which are typically the lowest level in a class series, having positions that are typically filled using open eligible lists). Provide a list of these classes to the Civil Rights Programs Unit at the State Personnel Board (SPB).
- Step #2** Identify the average number of appointments that have been made to each entry class over a three year period and the number and percentage that were employees advancing from a classification in a low paying occupation.

**Note:** The SPB can provide departments with a report on appointments for the past three years to entry technical, professional, and administrative classes. Departments may request this report, at no charge, from the Employment Goals Coordinator in the Civil Rights Programs Unit. See the sample report below.



## SAMPLE REPORT

### PERSONS HIRED INTO ENTRY TECHNICAL, PROFESSIONAL, AND ADMINISTRATIVE CLASSES FROM 07/01/96 THRU 06/30/99

Department	Class Title	Total Number	Upward Mobility Employees	
			Number	Percent
AS00-Air Resources Board	1470 As Info Sys An Spec	6	1	16.67
	3735 Air Res Eng	98	0	0.00
	3887 Air Polution Spec	107	3	2.80
	5157 Staff Ser An (Gen)	6	3	50.00

Data include open and promotional appointments and transfers to the classes listed, i.e., upward mobility

- Step #3** Estimate the number of anticipated appointments that will be made during the new fiscal year for each class using the information from Step #2 and any other relevant information, e.g., program or budget increases or reductions, etc.
- Step #4** Identify the total number of persons on open and promotional eligible lists for each entry technical, professional, and administrative class, and/or estimate the number who will qualify through exams scheduled during the year. These are the qualified candidates available for appointment.
- Step #5** Identify the number and percentage of State employees in low paying occupations on eligible lists for each entry technical, professional, and administrative class, and/or estimate the number who will qualify through exams scheduled during the fiscal year (i.e., the available qualified upward mobility candidates).

**Note:** Some employees may advance to entry positions by promotional examination from bridging and other classes. Departments should identify the number on such promotional lists and add them to the number on open lists.

**Note:** Upon request, the SPB will provide departments with a report on the total number of persons and upward mobility employees on eligible lists for entry classes in the **Central Certification System**. (See the sample report below.) Departments may request the report from the Employment Goals Coordinator, in the SPB's Civil Rights

Programs Unit. There is no cost for the report. Departments must use their own data for classes not in the Central Certification System.

### **SAMPLE REPORT**

#### **ELIGIBLES AVAILABLE FOR LIST APPOINTMENT TO ENTRY TECHNICAL, PROFESSIONAL, AND ADMINISTRATIVE CLASSES as of 03/31/99**

Department	Class Title	Total Number	Low Paid Employees	
			Number	Percent
AS00-Air Resources Board	3735 Air Resources Engineer	163	1	0.61
	3887 Air Pollution Specialist	341	4	1.17
	5157 Staff Services Analyst	1,969	196	9.95

Eligibles available include those on open and promotional lists for the

**Step #6** Review and analyze all available information that may affect the establishment of upward mobility goals...

- the history of appointments to entry technical, professional and administrative classes over the last three years from Step #2;
- the estimated number of appointments to appropriate entry classes anticipated for the new fiscal year from Step #3
- the availability of upward mobility candidates on eligible lists from Steps #5;

Establish a reasonable upward mobility appointment goal for the new fiscal year for each entry technical professional and administrative class where one or more upward mobility appointments are expected. Not all entry classes will provide an opportunity for upward mobility advancement each year. Some classes may never provide good opportunities because of the type and amount of their minimum requirements. If for some reason a department is unable to set an upward mobility goal for an appropriate entry technical, professional or administrative class, it must explain why a goal cannot be established.

List all upward mobility goals on SPB Form AAP05, rev. 3/00, *Summary of Upward Mobility Goals Report* (See Attachment). On the form, also enter information on appointment history and persons eligible for appointment. This information is needed to assist the SPB review and determine the adequacy of departmental goals. **[Note:**

Departments may use the attached Form AA05 to duplicate sufficient copies to meet their needs.]

Since upward mobility goals are to be established on an annual basis, and goal accomplishment is to be measured at the end of each year, it is unnecessary for departments to set multi-year timetables.

### **Information on Upward Mobility Efforts**

When a department submits its annual numerical upward mobility goals to the SPB for review and approval, it must also submit a description of the actions it is taking, or will take, that demonstrate a good faith effort to comply with the upward mobility requirements contained in Government Code Section 19401. Departmental upward mobility programs require positive action to develop and prepare employees in low-paying occupations for advancement to entry technical, professional, and administrative positions. Include in the information the number of employees formally participating in the department's upward mobility activities (e.g. the number in T & D assignments, the number receiving financial assistance from the department to take college courses, the number in bridging classes, etc.).

### **Submission of Departmental Upward Mobility Information to the SPB**

Upward mobility goals must be submitted for approval to the SPB by July 1<sup>st</sup> each year, along with other required employment goals for minorities, women, and persons with disabilities. Goals for all appropriate entry technical, professional or administrative classes should be submitted on SPB Form AA05, *Summary of Upward Mobility Goals Report* (See Attachment). In addition, the following specific information should be included with the goals:

1. An analysis of how successful the department was in meeting its goals for the previous fiscal year (Note: Not required in the first goal-setting year);
2. A description of the department's actions that demonstrate a good faith effort to comply with the requirements of Government Code Section 19401;
3. The number of employees participating in each of the department's upward mobility efforts that are specified in Government Code Section 19401; and
4. The amount and percentage of the department's training budget assigned for upward mobility development activities.

### **Approval of Upward Mobility Goals and Program Efforts**

The SPB will review each department's upward mobility information and determine whether it appears the department is making a good faith effort to develop opportunities and to assist employees in low-paying occupations to develop and advance. The Board will provide a formal written response to departments either approving or requiring modification to their upward mobility goals and program efforts.

## SPB Form AAP05 (3/00)

FISCAL YEAR:

[illegible]